

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

11642. Adulteration of cherries in brine. U. S. v. Allen Fruit Co., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 20975. Sample No. 59293-H.)
INFORMATION FILED: November 19, 1946, District of Oregon, against the Allen Fruit Co., Inc., Salem, Oreg.

ALLEGED SHIPMENT: On or about April 27, 1946, from the State of Oregon into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: March 14, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$75.

11643. Adulteration of cherries in brine. U. S. v. 696 Barrels * * *. (F. D. C. No. 21006. Sample No. 63668-H.)

LIBEL FILED: September 18, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 31, 1946, by Central Processors & Briners, from Ellensburg, Wash.

PRODUCT: 696 400-pound barrels of cherries in brine at Bound Brook, N. J.

LABEL, IN PART: "Chrs. in Brine," or "Orchard Run partly shriveled."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 28, 1946. The Causse Manufacturing & Importing Co., Bound Brook, N. J., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

11644. Adulteration of maraschino cherries. U. S. v. 25 Cases * * *. (F. D. C. No. 20993. Sample No. 64015-H.)

LIBEL FILED: On or about September 23, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about June 11, 1946, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 25 cases, each containing 6 1/2-gallon jars, of maraschino cherries at New Haven, Conn. Examination showed that the article was fermenting.

LABEL, IN PART: "Reco Cherries (Maraschino Type)."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11645. Adulteration and misbranding of raspberry jelly. U. S. v. St. Louis Fondant Co. Plea of guilty. Fine, \$500. (F. D. C. No. 20953. Sample No. 40414-H.)

INFORMATION FILED: November 4, 1946, Eastern District of Missouri, against the St. Louis Fondant Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about May 15, 1946, from the State of Missouri into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, raspberry juice, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for raspberry jelly since it was made from a mixture composed of less than 45 parts by weight of raspberry juice to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard. The article failed also to conform to the definition and standard since it contained a color, amaranth, as well as artificial raspberry flavor, which are not permitted as optional ingredients of raspberry jelly; and, further, the weight of the corn sirup solids in the article was more than one-half the weight of the total saccharine ingredients.

*See also Nos. 11507-11509.

DISPOSITION: December 19, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 on each count, a total fine of \$500.

11646. Adulteration and misbranding of apple butter. U. S. v. 422 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 20878, 21099. Sample Nos. 49958-H, 53332-H.)

LIBELS FILED: September 12 and 23, 1946, Southern District of Ohio and Northern District of Alabama.

ALLEGED SHIPMENT: On or about June 21 and August 7, 1946, by the Goodwin Preserving Co., from Louisville, Ky.

PRODUCT: Apple butter. 422 cases at Cincinnati, Ohio, and 81 cases at Birmingham, Ala. Each case contained 12 1-pound, 13-ounce jars.

LABEL, IN PART: (Jars) "Extra Fancy Goodwin's Best Pure Apple Butter Prepared from evaporated apples."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing dried pear had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity since it contained added dried pear, which is not permitted by the definition and standard of identity as an ingredient of apple butter prepared from evaporated apples.

DISPOSITION: October 23 and November 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11647. Adulteration and misbranding of wine vinegar. U. S. v. Muro Importing Co. and Nicholas Muro. Pleas of guilty. Fines of \$400 against each defendant. (F. D. C. No. 20959. Sample Nos. 4649-H, 4651-H.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against the Muro Importing Co., a partnership, Brooklyn, N. Y., and Nicholas Muro, a partner.

ALLEGED SHIPMENT: On or about September 14, 1945, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Muro Pure Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar; and, Section 402 (b) (4), distilled vinegar or acetic acid had been mixed and packed with the article so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statement "Pure Wine Vinegar" was false and misleading since the article did not consist entirely of wine vinegar, but did consist of a mixture of wine vinegar and distilled vinegar, or acetic acid.

DISPOSITION: May 22, 1947. Pleas of guilty having been entered, the court imposed a fine of \$400 against the company and \$400 against the individual.

11648. Adulteration and misbranding of wine vinegar. U. S. v. Arthur Needle (Randall Wine Vinegar Co.), and Jacob Needle. Pleas of guilty. Fine, \$500. (F. D. C. No. 20945. Sample Nos. 4620-H, 7714-H, 7789-H to 7791-H, incl., 7915-H, 7916-H.)

INFORMATION FILED: November 13, 1946, Southern District of New York, against Arthur Needle, trading as the Randall Wine Vinegar Co., New York, N. Y., and Jacob Needle, manager.

ALLEGED SHIPMENT: Between the approximate dates of May 29 and July 27, 1945, from the State of New York into the States of Pennsylvania, Connecticut, and New Jersey.

LABEL, IN PART: "Eldeen Brand Packed By Eldeen Spice Co. [or "Randall Wine Vinegar Co."] New York Pure Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar, which the article was represented to be; and, Section 402 (b) (4), distilled vinegar or acetic acid had been mixed and packed with the article so as to reduce its quality and strength.